

1 **SAO**

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11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

13 MARVIN MENCIA-MEJIA, an individual,

14 Plaintiff,

15 v.

16 C.R. ENGLAND, INC., a Foreign Corporation; DOES

17 1 through 10, inclusive; and ROE BUSINESS

18 ENTITIES 1 through 10, inclusive,

19 Defendants.

CASE NO: 2:24-cv-00381

**STIPULATION AND ORDER TO
EXTEND DISCOVERY**
(Second Request)

20 **I. Summary of Discovery Completed**

21 The case was removed on February 26, 2024.¹ By March 18, 2024, Plaintiff and C.R.
22 England stipulated that C.R. England's driver was 1) negligent; 2) while in the course and scope of
23 employment with the company.² This narrowed the scope of discovery, and the driver was then
24 dismissed from the case.

25 Both parties have served FRCP 26(a)(1) disclosures, C.R. England on March 28, 2024 and
26 Plaintiff on April 24, 2024. C.R. England served Interrogatories and Requests for Production to
27 Plaintiff on April 11, 2024 that Plaintiff then answered on May 6, 2024. Plaintiff's responses to
28 requests for production provided medical authorizations to C.R. England for the first time. C.R.
England served supplemental disclosures on July 12, 2024, August 12, 2024, September 11, 2024, and
October 3, 2024. Both parties made expert witness designations on August 28, 2024.

¹ ECF No. 1.

² ECF No. 11.

1 **II. Discovery Remaining**

2 C.R. England is now using Plaintiff's medical records to independently pursue medical records
3 from providers previously unknown. C.R. England C.R. England has collected a majority of
4 Plaintiff's medical records but is still waiting for responses to subpoenas served on Key Insurance and
5 State Farm Insurance.
6

7 In anticipation of receiving responses to its subpoenas, C.R. England has scheduled Plaintiff's
8 deposition for December 2, 2024. After rebuttal expert disclosures there might also be expert
9 depositions.

10 Additionally, Plaintiff requires additional time for Rebuttal Expert Disclosures. Due to
11 excusable neglect, Plaintiff was not able to produce his rebuttal expert reports on time.

12 **III. Why the Remaining Discovery Could not be Completed**

13 When the case was first removed, the parties focused on trying to narrow the scope of
14 discovery. That resulted in the stipulation as to duty, breach, and dismissing the driver. Once the
15 scope of discovery was established, C.R. England then served discovery to Plaintiff. Plaintiff
16 needed time to prepare his discovery responses and provide the authorizations C.R. England is now
17 using to pursue records.

18 The current discovery deadlines could not be met because the parties worked collaboratively
19 to focus the case before then starting to pursue the information needed for the remaining disputed
20 points. While a majority of Plaintiff's medical records have been received, there remain subpoenas
21 that have been issued with responses still outstanding.

22 Additionally, Plaintiff due to excusable neglect was not able to complete his rebuttal expert
23 reports on time and only asking for an additional 3 weeks to complete.

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IV. Proposed Schedule for Completing All Remaining Discovery

	Current Deadline	Proposed Deadline
Amending Pleadings and Adding Parties	No change	CLOSED
Initial Expert Disclosures	August 28, 2024	CLOSED
Rebuttal Expert Disclosures	September 27, 2024	October 18, 2024
Discovery Closes	October 28, 2024	January 27, 2025
Dispositive Motions	November 28, 2024	February 26, 2025
Pre-Trial Order if no Dispositive Motions	December 27, 2024	March 27, 2025

<i>WILSON ELSE</i>	RALPH A. SCHWARTZ, P.C.
<u>/s/ Kimberly A. Nelson</u> Kimberly A. Nelson Nevada Bar No. 15295 Attorneys for C.R. England, Inc.	<u>/s/ Ralph A. Schwartz</u> Ralph A. Schwartz Nevada Bar No. 5488 Attorneys for Marvin Mencias-Mejia
	It is so ordered. DATED: 10/9/2024 <u>/s/ [Signature]</u> UNITED STATES MAGISTRATE JUDGE

Certificate of Service

Pursuant to FRCP 5, I certify on October 7, 2024, I served Stipulation and Order to Extend Discovery (2nd Request) as follows:

- ☒ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;
- ☐ via electronic means by operation of the Court's electronic filing system, upon each party in this case who is registered as an electronic case filing user with the Clerk;

BY: /s/ Vikki L. Weyandt